

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2008-109-T - ORDER NO. 2008-541

AUGUST 19, 2008

IN RE: Application of Michael S. Nierwienski d/b/a	)	ORDER GRANTING
Fairway Moving Services for a Class E	)	CLASS "E" MOTOR
(Household Goods) Certificate of Public	)	CARRIER CERTIFICATE
Convenience and Necessity for Operation of	)	OF PUBLIC
a Motor Vehicle Carrier	)	CONVENIENCE AND
	)	NECESSITY

This matter comes before the Public Service Commission of South Carolina ("Commission") on the Application of Michael S. Nierwienski d/b/a Fairway Moving Services ("Applicant") for a Class E (Household Goods) Certificate of Public Convenience and Necessity. Nierwienski is seeking authority to move household goods in Horry and Georgetown Counties. Pursuant to 26 S.C. Code Regs. 103-821(C)(3)(a), the Applicant published notice of filing in *The Sun News* on April 1, 2008. No parties intervened, and a hearing on the Application was held on June 16, 2008, in the offices of the Commission.

The parties at the hearing included the Applicant, Michael Nierwienski, and the Office of Regulatory Staff, represented by Nanette Edwards, Esquire. During the hearing, Nierwienski testified to his prior experience moving household goods and that he was aware of and intended to comply with the Commission's regulations concerning household goods movers. George Parker, manager of the ORS Transportation Department, testified that he considered Nierwienski's application to be in order. Mr.

Parker also stated that he performed an inspection and found Applicant's equipment to be acceptable.

The Commission finds the Application to be in order. Additionally, we conclude that the Applicant has demonstrated that it is fit, willing, and able to operate as a household goods mover between points and places in Horry and Georgetown Counties pursuant to S.C. Code Ann. § 58-23-330 (Supp. 2006) and 26 S.C. Code Ann. Regs. 103-133 (Supp. 2006). Furthermore, we find that the public convenience and necessity is not already being served by existing authorized service. Therefore, the Application of Michael S. Nierwienski d/b/a Fairway Moving Services should be granted.

IT IS THEREFORE ORDERED:

1. The Application of Michael S. Nierwienski d/b/a Fairway Moving Services for a Class E Certificate of Public Convenience and Necessity is approved for the Applicant to transport household goods between points and places in Horry and Georgetown Counties.

2. Michael Nierwienski shall file with the Office of Regulatory Staff the proper insurance, safety rating, and other information required by S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and by 26 S.C. Code Ann. Regs. 103-100 through 103-241 of the Commission's Rules and Regulations for Motor Carriers, as amended, and 23A S.C. Code Ann. Regs. 38-400 through 38-503 of the Department of Public Safety's Rules and Regulations for Motor Carriers, as amended, within sixty (60) days of the date of this Order, or within such additional time as may be authorized by the Commission.

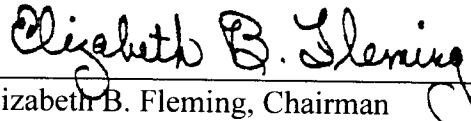
3. Upon compliance with S.C. Code Ann. Section 58-23-10 et. seq. (1976), as amended, and the applicable Regulations for Motor Carriers, S.C. Code Ann. Regs. Vol. 26 (1976), as amended, a Certificate shall be issued by the Office of Regulatory Staff authorizing the motor carrier services granted herein.

4. Prior to compliance with the above-referenced requirements and receipt of a Certificate, the motor carrier services authorized by this Order shall not be provided.


5. Failure of the Applicant to either (1) complete the certification process by complying with the Office of Regulatory Staff requirements of causing to be filed with the Commission proof of appropriate insurance and an acceptable safety rating within sixty (60) days of the date of this Order or (2) to request and obtain from the Commission additional time to comply with the requirements of the Commission as stated above, may result in the authorization approved in the Order being revoked.

6. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Elizabeth B. Fleming, Chairman

ATTEST:

  
John E. Howard, Vice Chairman

(SEAL)